

REMARKS

Claims 26-56 remain in the application. Applicant acknowledges with appreciation the allowance of claims 26-44, 49 and 54. However, reconsideration of the application and allowance of all claims are respectfully requested.

Claims 45-48, 55 and 56 are rejected for anticipation by Baker et al. This rejection is traversed for the reasons give in the response filed March 28, 2006 and for the additional reasons discussed below.

The concept of the present invention is that when a change is made to a target value, it can be expected that when the target value is next used for a comparison, it will trigger a power adjustment. According to the present invention, when a target value variation is detected, a power adjustment is made without waiting for the results of the comparison using the adjusted target value.

At page 5 of the Office action, the examiner refers to lines 1-7 of column 5 of Baker as allegedly teaching the application of anticipatory variations to the transmission power. But the passage cited by the examiner contains no such teaching. Baker teaches that if the power level adjustment to be made is large, then the step size is increased. But this is not an anticipated variation of the power level, it is a variation of the adjustment step size that will be used in the future when an adjustment to the transmission power is needed. The adjustment to the transmission power itself is not made until after the error is first measured.

The examiner argues that claim 45 does not recite that the anticipatory variation is applied before the variable is modified by the control loop. The examiner is apparently ignoring the word “anticipated” in claim 45. It is clear that anyone of ordinary skill in the art would

interpret this term to mean that the adjustment is made before the adjustment that will be called for as a result of the use of the new target value. In any event, however, what the claim very clearly does describe is that the anticipated variation is applied *in response to a variation of the target value*. When the target value is varied, the system knows that when the measurement is subsequently made, an error will be found that will require variation of the transmission power. But Baker does not make its modification in response to a variation in the *target* value. The only change made is in response to a detected error amount.

As to claim 55, that claim requires the controlling of a downlink transmission power as a function of a transmission target quality value, the determination of a target value variation based on a parameter sent to the base station for the uplink, and then a power offset being applied to the downlink transmission power corresponding to the determined target value variation.

Baker teaches control of transmission power in accordance with transmitted power control commands. It does not say anything about determining a target value variation for the downlink based on a parameter signaled to the base station for the uplink. And while it might at best teach the application of a power offset, it is not in correspondence with a determined target value variation, and certainly no such variation which is determined based on a parameter signaled to the base station for the uplink.

For the above reasons, it is respectfully submitted that the invention defined in the rejected claims is neither shown nor suggested in Baker.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

Response Under 37 C.F.R. § 1.1116
USSN 09/878,269

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: October 9, 2006

/DJCushing/
David J. Cushing
Registration No. 28,703